



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-first session

Summary record of the 846th meeting

Held at Headquarters, New York, on Friday, 11 July 2008, at 3 p.m.

Chairperson: Ms. Šimonović

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

*Combined fourth, fifth and sixth periodic reports of the United Republic
of Tanzania (continued)*

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fourth, fifth and sixth periodic reports of the United Republic of Tanzania (continued) (CEDAW/C/TZA/6; CEDAW/C/TZA/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the United Republic of Tanzania took places at the Committee table.*

Article 10 (continued)

2. **Ms. Gabr** said that it was important to provide adequate funding for basic social services, especially education. Given that education was a tool for empowering women, it would be interesting to know what projects had been launched by the Government with a view to ensuring access to education for rural women and poor women. Another area of concern was the predominance of stereotypes in education; those stereotypes had a negative impact on the age of marriage for women. It should be stressed that the age of consent for marriage must be 18, even in a country with a large Muslim population. Clarification should be provided of the measures taken to improve the quality of teaching, including in technical education schools.

3. **Ms. Kiongosya** (United Republic of Tanzania) said that the budget allocation for basic social services compared favourably with the budget allocation for other services but was not sufficient. The Government had taken steps to allocate more resources to basic services but was struggling to meet the demand.

4. **Ms. Mwaffisi** (United Republic of Tanzania) said that the Government attached great importance to education and had constructed a number of secondary schools. Education received 18 per cent of the total budget allocations. Local authorities were responsible for allocating human and economic resources in rural areas, where 80 per cent of the population lived. Free primary education was available to all Tanzanians, and those pupils who completed primary education were able to continue with secondary education. The Government had taken steps to increase enrolment, and there had been an increase in the number of girls attending technical colleges and Folk Development

Colleges, where students studied means of improving agricultural production.

5. **Ms. Rutaindurwa** (United Republic of Tanzania) said that since 2000, the Government had implemented a sector-wide approach to education and had taken steps to promote equality and equity in primary, secondary and vocational education. Through laws and regulations, the Primary Education Development Plan aimed to increase the retention rate of girls and promote the enrolment of girls living in rural areas. Under the Secondary Education Development Plan, more schools had been built so that pupils could attend a school near their home. In addition, the infrastructure of existing schools had been improved in order to encourage families to send their daughters to school. Similarly, parents had been encouraged to provide pupils with lunch in order to improve the school environment and boost enrolment. Girls accounted for 50 per cent of pupils at both the primary and secondary levels.

6. In addition to incorporating reproductive health into the syllabus in primary and secondary schools, the Government was starting to develop a re-entry policy that would allow girls who dropped out of school because of pregnancy to return to school. With respect to illiteracy, the Government had developed complementary basic education programmes and community-based adult education courses for those pupils who had started school after the age of 7 or who had not attended school at all.

Article 11

7. **Ms. Arocha Domínguez** requested additional information on the impact of the Land Act on individual and joint ownership and on women's access to land. Statistical data should be provided on land ownership in rural areas and on the percentage of women involved in microfinance programmes. It would also be interesting to learn more about child labour. With respect to measures to combat racial discrimination, clarification should be provided of the measures taken to involve nomadic women in economic activities.

8. **Ms. Zou** asked whether the principle of equal pay for equal work was enforced in Tanzania and requested additional information on women's employment and income distribution. It would be interesting to learn more about the characteristics of gender discrimination

and to know whether the Government provided legal advice to victims of such gender discrimination. Additional information should also be provided on efforts to eliminate sexual harassment. With respect to women in public employment, it would be useful to know what kind of measures the Government would adopt to reduce the pay gap and whether temporary special measures would be introduced in accordance with article 4 of the Convention.

9. **Ms. Patten** asked whether women working in the informal sector were taken into consideration by policymakers. Clarification should be provided of the steps taken to regulate domestic and agricultural work and to strengthen social protection mechanisms. The reporting State should clarify whether it had established a specific policy aimed at eliminating informal and badly paid work. It would be interesting to know what steps had been taken to strengthen labour laws and to monitor the institutions responsible for dealing with employment discrimination.

10. **Ms. Mwash**a (United Republic of Tanzania) said that the Government had developed the Small Entrepreneurs' Loan Facility, which provided loans to women for microfinance projects in 14 of the 21 regions of the country. In addition, the Government had launched projects that helped women become involved in small businesses, including handcrafts and nut packing, and the Ministry of Agriculture had begun other pilot projects to support women farmers. Through the Social Action Trust Fund, financial support was available to help poor families take their children to school. The fund targeted vulnerable and poor sectors of society, which mainly comprised women, and empowered women to enter the labour market.

11. **Ms. Mwaffisi** (United Republic of Tanzania) said that community development officers assisted women in forming economic cooperatives that provided a savings and credit facility. The Women's Development Fund enabled local authorities to provide loans to women in rural areas for small business opportunities. However, there was no reason that rural women should be limited to small businesses. For that reason, the Government had plans to establish a women's bank that would provide loans to women who wanted to start up larger enterprises.

12. **Ms. Maro** (United Republic of Tanzania) said that the sixth periodic report had provided all available

data; it had not been possible to conduct specific surveys and collect statistical data in some areas.

13. **Ms. Mazalla** (United Republic of Tanzania) said that there was no discrimination in employment in Tanzania and that all citizens were eligible to apply for any advertised vacancy. In cases where male and female candidates had similar qualifications, the female candidates were given priority in recruitment in order to increase the number of women in the public sector. While the majority of women had not met employment requirements in the past, more women were currently working in the formal sector than in previous years.

14. **Ms. Sitta** (United Republic of Tanzania), noting that employment in the informal sector was not monitored by the Government, said that more work should be done in that regard, in order to better assess the overall progress made on its goal of gender parity in all categories of employment. Temporary measures taken to narrow the gender gap in employment, particularly affirmative action, were yielding results. In addition, Government capacity-building initiatives for women included the current attempt to revive the Training Fund for Tanzania Women and the provision of job interview preparation through a women's information centre.

15. Nomadic communities did in fact exist in Tanzania, and boarding schools had been established for girls from those communities. Furthermore, women in nomadic communities benefited from the assistance provided by non-governmental organizations (NGOs) and community development officers, who organized economic and entrepreneurship programmes.

16. Although the Government collaborated with NGOs to deal with cases of gender discrimination, most of the actual assistance was provided to the victims by the NGOs.

17. **Ms. Juma** (United Republic of Tanzania) said that Act 11 of 2005 prohibited discrimination against any employee on the basis of marital status, pregnancy or disability; it also prohibited all forms of sexual harassment and provided for equal remuneration for equal work, irrespective of gender.

18. Education was a key component of empowerment programmes introduced by the Government to prevent the clustering of female employees in low-paying employment sectors and to enhance their career

prospects. Other initiatives included building new vocational centres and encouraging women to form cooperatives to pursue entrepreneurship and thereby improve their economic standing.

Article 12

19. **Ms. Pimentel**, noting the high incidence of maternal mortality, which primarily affected women between the ages of 20 and 34, said that the reporting delegation should provide details on the new focus and direction of the Government's national strategy to accelerate reduction of maternal and newborn deaths, which spanned the years 2006-2010.

20. The inclusion of a gender perspective in its national multisectoral strategic framework on HIV/AIDS, described in the State party's response to question 24 of the Committee's list of issues and questions (CEDAW/C/TZA/Q/6/Add.1) was commendable, as was the framework's emphasis on education. Indeed, enabling women to critically question their status as second-class citizens and to better understand harmful gender-based stereotypes and prejudices constituted the most effective empowerment strategy.

21. According to the State party's report, older Tanzanians of both genders encountered difficulties in accessing health care, but high levels of illiteracy disproportionately impeded older women's health access. It would be useful to learn more about Government actions to ensure that older women — particularly poor, illiterate women living in rural areas — had access to health care and to clear information about HIV/AIDS prevention methods, care and support available to them. Lastly, she wondered whether the Government was aware of the lack of adequate medical care for pregnant women in prisons, and if so, what measures had been developed to address that issue, and with what results.

22. **Ms. Begum** noted with concern that user fees for health services impaired access to health care and had a significant impact on rural women, many of whom suffered from poverty and who were most in need of such services. Therefore, health-care fees should be waived altogether, not just for children and older women, as was currently the case.

23. The State party should provide information on any studies on the nature and extent of adolescent problems, with particular focus on the prevention of

HIV/AIDS and other sexually transmitted diseases. More information would also be welcome on whether the community-based support provided to HIV/AIDS orphans was also available in rural areas.

24. The Committee would like to know whether awareness of HIV/AIDS among Tanzanians 15 to 24 years of age, currently at 45 per cent of women and 40 per cent of men, had led to a reduction in the rate of infection. She also wondered what percentage of traditional birth attendants had received modern training. Lastly, further details would be appreciated on the situation of mother-to-child transmission of HIV/AIDS.

25. **Ms. Dairiam**, expressing concern that anti-discrimination laws and other measures regarding employment and access to health care did not necessarily translate into actual equality of rights, stressed that the Government must be able to determine whether such measures were effective, as the Convention required States parties to guarantee women's practical right to equality. In that connection, more details were needed on how the Government was monitoring the effectiveness of the fee waiver for health services and ensuring that all eligible sectors of the community were actually benefiting from it. It would also be useful to know which categories of women were benefiting from the waiver, as well as what obstacles were preventing eligible women from having health-care fees waived, and how information on the waiver was disseminated. Lastly, she would appreciate more information on whether any accountability mechanisms existed to ensure that health-care personnel were actually implementing the fee waiver with integrity.

26. The reporting delegation should provide information on any gender and cultural sensitivity training provided to health-care staff. In addition, further clarification was needed on how gender sensitivity and consistency of standards, according to the Convention's non-discrimination principle, were regulated in the provision of health services by NGOs and private sector and religious institutions. She also wondered whether services provided by refugee health centres met the standards set by the Office of the United Nations High Commissioner for Refugees (UNHCR) or by the Government.

Article 13

27. **Mr. Flinterman** said that he was impressed by the State party's microfinance policies in implementation of its obligations under article 13, paragraph (b), of the Convention. With regard to the Government's initiative to establish a women's bank, together with the creation of the National Economic Empowerment Council, he would like to know whether the women's bank had already been set up and what role the Government would play in its framework. More details on the composition of both institutions, particularly with regard to female representation, would be welcomed. It would also be useful to know how the women's bank and the National Economic Empowerment Council related to other lending and microfinance institutions, such as the Women's Development Fund.

28. Turning to article 13, paragraph (c), which focused on women's right to equal participation in recreational activities, sports, and all aspects of cultural life as an important means of full personality development, the Committee would be interested to know what percentage of Tanzanian women and girls, relative to men and boys, were actively participating in sports, and whether sport was a compulsory component of primary and secondary education.

29. **Ms. Mwaffisi** (United Republic of Tanzania) said that the inability of traditional birth attendants in rural areas to provide adequate care in complicated pregnancies was a major factor in high maternal mortality rates; hence capacity-building measures had been instituted. The Government was also considering the possibility of establishing maternity homes in order to address the issue of long distances hindering pregnant women's access to health facilities. Moreover, a campaign to recruit health-care providers had been launched to remedy the personnel shortage in most health facilities, and community development officers were working to sensitize the population to the importance of regular checkups for pregnant women. Another Government initiative was aimed at improving existing health facilities and increasing the general population's proximity to services by adding facilities nationwide.

30. Although most of the population understood how to prevent HIV/AIDS transmission, little progress had been made in changing popular attitudes, which had

not responded to numerous sensitization and education campaigns; more work was needed in that respect.

31. At the local level, provision of health services was left up to communities, which managed their own health funds and ensured local populations' access to services, including illiterate women and poor women eligible for a fee waiver; a community health fund identification card system was used to determine eligibility.

32. The shortage of drugs in health-care facilities remained a major problem, particularly in rural areas; the Government had responded by requiring health centres to order medications directly, instead of through the Ministry of Health and Social Welfare. All health-care centres were currently equipped to treat sexually transmitted diseases, indicating significant progress in that regard.

33. NGOs and religious institutions were doing most of the work of providing assistance to orphans. The Government favoured the placement of orphans within extended family homes, in keeping with African cultural tradition, and sending them to an orphanage was considered only as a last resort. Local communities kept track of homes that had taken in orphans and made that information available to stakeholders seeking to assist them.

34. The delegation undertook to provide a response on the percentage of traditional birth attendants, as that information was not currently available.

35. **Ms. Mwash**a (United Republic of Tanzania) said that three of the seven members of the National Economic Empowerment Council were women and that women were given priority in recruitment to the Council secretariat. A financial sector reform programme encouraged private sector institutions to support microfinance. The Government had worked to raise awareness of the benefits of forming Savings and Credit Cooperative Societies, a majority of which were managed by women. Other economic empowerment measures included the establishment of village community banks and a Bank of Tanzania-financed credit guarantee scheme to encourage private sector growth.

36. **Ms. Rutaindurwa** (United Republic of Tanzania) said that primary and secondary education incorporated participation in sport during physical education classes and extra-curricular activities.

37. **Ms. Mwaffisi** (United Republic of Tanzania) said that the women's bank was registered but did not yet have a licence to operate; shares were still being purchased. The Government's role in the women's bank would be limited to facilitating its establishment and operation.

38. The Ministry of Health and Social Welfare had set up a gender desk in order to mainstream gender issues and sensitize health workers to them. The Ministry's standards for the provision of health services, which must be adhered to by all facilities, ensured consistency. Refugee centres operated according to the standards set by UNHCR.

Article 14

39. **Ms. Gabr** urged the Government to give special consideration to the agricultural sector, which remained the backbone of the Tanzanian economy. In light of the ongoing food crisis, particular attention should also be given to protection of agricultural land as well as to the needs of farmers and rural women. She asked whether the proposal to amend legislation that prevented women from exercising their inheritance and land ownership rights, mentioned by the head of delegation in her introductory statement, had reached Parliament. More details would be appreciated on the situation of women's inheritance and land ownership rights in Tanzania, given that 50 per cent of the population was governed by Islamic law, under which women were entitled to an inheritance half that of men.

40. **Ms. Tan**, noting that rural Tanzanian women made a significant contribution to national food production, asked whether there was any specific deadline for the Tanzanian women's bank to become operational and what the bank aimed to accomplish. The reporting delegation should also explain why the Government was not assuming a more active role in the bank's operation.

41. More details would be welcomed on the numbers of men and women who had been granted soft loans by the National Economic Empowerment Council, as well as on the amount of funds disbursed since the institution's inception. In addition, it would be useful to know how many Tanzanians of both genders had received entrepreneurial training from the Cooperative Rural Development Bank since its establishment.

42. She wondered how many of the 300,000 beneficiaries of the Women's Development Fund were

from rural areas, what the total amount of funds granted was and how much the 10 per cent of taxes returned annually to the Fund by the district councils amounted to in monetary terms. It would be interesting to know whether any beneficiaries' success stories had been reported that might serve to inspire other Tanzanians and encourage potential donors to contribute to the Fund. She also wondered whether temporary special measures might be introduced to increase the number of female beneficiaries of National Economic Empowerment Council loans.

43. **Ms. Schöpp-Schilling**, noting that the report gave no statistics on illiteracy disaggregated by age cohort, asked whether the Government had a comprehensive strategy for overcoming illiteracy in women beyond the age of primary and secondary education, and, if so, what were the goals and timetables and what percentage of the budget was allocated to adult literacy programmes. Since the Land Act and the Village Land Act had been in effect since 1999, she would be interested to learn what percentage of women currently owned land and who had owned that land previously, how many women were on the land allocation committees and what criteria were applied to allocate land to women.

44. She asked for clarification on the nature and origin of food taboos for women and the harmful practices that made it difficult for women to access health services. The Committee could not make pertinent recommendations if it did not have sufficiently detailed information.

45. **Ms. Simms** said that she was concerned about food insecurity and the impact of the high price of fossil fuels on developing countries; women in rural areas could make a difference in that regard. In terms of health and education, she was confident that the plans the Government had set in motion would result in major changes. The Committee had raised many concerns about negative cultural practices, and there was certainly a need to examine the reasons behind them in order to overcome them. However, it was also important to identify and build on the positive practices and values inherent in the culture, which had enabled communities to survive over generations and tended to persist longer in rural areas, such as respect for the elderly and care of orphans in the extended family.

46. **Ms. Dairiam** said that, in order to be compatible with the Convention, the microfinance policy, like

other Government interventions, must be implemented on the basis of equality between women and men. She would like to know whether women had benefited from microfinance equally with men in terms of the numbers of women participating and the scale and scope of their enterprises and their income from them. She also wished to know whether there were any elements of the schemes, such as the interest or taxation on a small project, that put women at a disadvantage; whether there was a monitoring system to assess results and to regulate private-sector participants; and whether there was a user-friendly complaint mechanism.

47. **Ms. De-Mello** (United Republic of Tanzania) said that her delegation was very proud of the Land Act of 1999, as amended in 2004, and the Village Land Act of 1999 and considered them to be among the major successes in mainstreaming gender equality, along with the Employment and Labour Relations Act of 2004. The Village Land Act provided for the formation of village land councils composed of seven members, of which at least three members must be women. Although enacted in 1999, the Land Acts were only beginning to be fully implemented, so that little data was yet available on results; the effects should be reflected in future reports.

48. **Ms. Mwash**a (United Republic of Tanzania) said that there were many activities at the community level financed by microcredit from private organizations, including some cooperatives, which had enabled women to break into local markets. Taxation depended on the type of business; there was no tax on the establishment of a small business. Women entrepreneurs could bring problems to the community development officers and extension services. The national poverty monitoring system had established indicators at different levels and provided for surveys and evaluations at specified intervals.

49. **Ms. Mwaffisi** (United Republic of Tanzania) said that the Government was facilitating the formation of a Tanzania women's bank but would not be directly involved in its operation. The bank would have a board of directors. The intended beneficiaries were rural women. The money would go to local governments, which would contribute 5 per cent for follow-up on those who had been loaned money. Repaid loans would go back into a revolving fund.

50. **Ms. Rutaindurwa** (United Republic of Tanzania) said that unfortunately she did not have statistics on

illiteracy disaggregated by age but that the State party would provide them in the next report. Thanks to the complementary basic education programme, school dropouts in both urban and rural areas could complete basic education, and secondary education was available to rural women through a distance learning programme.

51. **Ms. Mwaffisi** (United Republic of Tanzania) said that one food taboo was that pregnant women should not eat eggs. The killing of albinos was a recent phenomenon based on the witchcraft belief that possessing a part of an albino, a hand, for example, brought wealth, particularly in the mines. Community development officers were engaged in educating communities about the negative effects of superstitious beliefs.

Article 16

52. **Ms. Halperin-Kaddari** said that polygamy, divorce by repudiation and marriage without the consent of the bride were clearly in violation of the Convention; that they were permitted under customary or religious law was not a satisfactory reason for non-compliance. Marital rape, which was not criminalized by Tanzanian legislation, was not justified by any religious law. She understood that proposed amendments to the Marriage Act of 1971 were contemplated, but she would like a more concrete timetable.

53. With regard to divorce, the report was unclear about the customary law that governed in different communities or what rights a woman might have to marital assets. Child custody should be awarded based on the best interests of the child, not on a patriarchal system that regarded children as the father's chattel.

54. **Ms. Coker-Appiah** said that she, too, would like to ask when the Government intended to repeal the discriminatory personal status laws. The Land Acts represented a positive step but did not address the broader issue of women's inheritance.

55. **Ms. Belmihoub-Zerdani** said that the State party had made notable achievements under some of the other articles of the Convention but had not demonstrated any progress or determination to make changes under article 16. The marital age was different for young men and women; having ratified not only the Convention on the Elimination of All Forms of Discrimination against Women but also the Convention

on the Rights of the Child, both without reservation, the State party was under an obligation to raise the marital age to 18. It would appear from three landmark decisions upholding women's rights to land and marital assets that the Tanzanian courts were making an effort, but there was an urgent need for new legislation to update and standardize the marriage and divorce regimes. Under the Convention men and women should enjoy the same rights in all spheres of private and public life.

56. **Ms. Tan** asked whether the proposed amendments to the Marriage Act that were before the Cabinet had provisions sanctioning a breach of the law by the parents or by the person performing the marriage; whether registration of marriages was required; and when a new marriage act might be enacted and operational.

57. Widows were in a precarious position, especially in rural areas. Under customary law, widows were barred from inheriting land from their deceased husbands and were often accused of being witches so that the man's family could inherit. She wondered whether the Land Acts could be invoked by widows and, if so, how long the process would take and whether they could count on any State assistance. It was commendable that the State party had criminalized harmful and degrading mourning and burial rights, but she would like to know how many prosecutions and convictions had resulted, who could bring a complaint and what criteria were applied to determine if a practice was harmful and degrading.

58. **The Chairperson**, speaking as a member of the Committee, asked when and how the State party planned to domesticate the Convention, whether it would be through one act or through many different laws, and whether the legal status of the Convention would be that of legislation or on a par with the Constitution.

59. **Ms. Patten** noted that the provision of the Employment and Labour Relations Act that allowed for maternity leave only once every three years was in violation of article 11, paragraph 2 (b), and article 16, paragraph 1 (e), of the Convention.

60. **Ms. Mwaffisi** (United Republic of Tanzania) acknowledged that most of the questions posed could not be answered immediately but would require further study.

61. **Ms. De-Mello** (United Republic of Tanzania) said that her delegation was committed to working on amendments to the Marriage Act but was unable to predict when they might be enacted into law. The amendments were drafted, but unfortunately they were not even before the Cabinet yet but only in the Cabinet secretariat. However, there was a strategy among non-governmental organizations to keep up pressure for adoption. It seemed most likely that domestication of the Convention would occur by adapting the relevant national legislation, and that the Convention would not be on a level with the Constitution.

62. With regard to marital rape, reliable statistics were difficult to obtain, because in most cases women were reluctant to report it; more effort needed to be put into awareness-raising. Following divorce, under the current law the contribution to marital assets must be proved, but the landmark ruling in *Bi Hawa Mohamed v. Ally Sefu* had established the precedent that a woman's unpaid domestic labour constituted such a contribution. The law was clear that in awarding custody the court would take into account the welfare of the child. Under the Land Acts, once the land was registered jointly in the names of the spouses, the widow would automatically become the owner upon the death of her husband; it was not a question of inheritance.

63. **Ms. Mazalla** (United Republic of Tanzania) explained that the Employment and Labour Relations Act allowed a woman 84 days of maternity leave every three years, in addition to 28 days of annual leave.

64. **Ms. Kafanabo** (United Republic of Tanzania) said that the three-year rule had been introduced as a strategy to slow population growth and to encourage better spacing of pregnancies in order to safeguard maternal and infant health. However, if a working woman gave birth more than once every three years, she still had 28 days of annual leave available, and if she needed more time off for reasons of health her physician could certify that she required paid leave.

65. **Ms. Sitta** (United Republic of Tanzania) said that her delegation appreciated the opportunity for dialogue with the Committee. It would take all the questions back to consider at leisure and would give close attention to the Committee's recommendations on how to best implement the Convention in the hope that the next report would demonstrate substantial progress.

66. **The Chairperson** said that it had been quite exceptional to have two ministers in the delegation.

The State party would be receiving the Committee's concluding observations. It would be important to focus on domestication of the Convention, so that it could be used as a tool to empower women. With the sharp increase in the number of seats in Parliament filled by women, there was a greater hope of progress towards repealing the discriminatory laws.

The meeting rose at 5.20 p.m.